



P.C. AGENDA: 06-24-15

ITEM: 4.a.

Continued from 12/10/14

Deferred from 1/28/15

Continued from 02/11/15

Continued from 05/06/15

Memorandum

TO: PLANNING COMMISSION

FROM: Harry Freitas

SUBJECT: SEE BELOW

DATE: June 17, 2015

COUNCIL DISTRICT: 4

SUPPLEMENTAL

SUBJECT: File No. PD14-014. Appeal of the Planning Director's decision to approve a Planned Development Permit to effectuate the Planned Development Zoning District (File No. PDC07-071) and allow a vertical expansion to an existing landfill, up to a maximum of 245 feet and an increase in maximum landfill capacity up to 66 million cubic yards, with no additional construction, on a 352 gross acre site.

REASON FOR SUPPLEMENTAL

On December 10, 2014, the Planning Commission held a public hearing on the subject appeal of a Planned Development Permit. After the public hearing was closed, the Planning Commission voted 5-0-2 (Commissioners Bit-Badal and Yob recused) to continue the item to the January 28, 2015 Planning Commission meeting to provide time for Commissioner Pham to review the Environmental Impact Report (EIR) associated with the project. The project was further continued at the January 28, 2015 Planning Commission hearing to the February 11, 2015 Planning Commission hearing. At the February 11, 2015 Planning Commission hearing, the Commission re-opened the public hearing and took additional testimony on the item. After the public hearing was closed, the Planning Commission voted 5-0-2 (Commissioners Bit-Badal and Yob recused) to continue the item to the May 6, 2015 Planning Commission to allow sufficient time for a new Commissioner to be appointed and review the records of this item.

At the May 6, 2015 Planning Commission, staff recommended continuance of the item to allow time for the preparation of an independent odor study of Newby Island that would be overseen by staff. The Planning Commission voted 5-0-2 (Commissioners Bit-Badal and Yob recused) to continue the item to the June 24, 2015 Planning Commission hearing, at which time staff would update the Commission on the status of the preparation of the odor study and a hearing date at which the odor study would be completed and presented to the Commission.

Since the May 6, 2015 Planning Commission hearing, staff has contacted several odor consulting firms in order to understand their qualifications, timing, and cost. Staff has also coordinated closely with the Bay Area Air Quality Management District (BAAQMD), who have committed to assisting staff as the technical experts on odor. BAAQMD provided support in review of the consultant qualifications and technical abilities.

At this point, staff is doing additional research on odor consulting firms and has not selected a consultant. Per BAAQMD's recommendation, it appears that multiple consultants and reports may be required in order to get a full picture of odor emissions at the site.

The anticipated scope of the odor study would include odor emission sampling, analysis and modeling. Odor emission sampling involves collecting emissions from a surface or location and identifying the compounds within that sample. Sampling at the landfill, the recyclery and the composting uses on site would take place at various times and in varying meteorological conditions in order to identify the range of compounds emitted by each of the Newby Island uses. Laboratory analysis of these samples would determine the odor concentration and intensity of these compounds. Modeling would incorporate the resulting data and determine any potential offsite odor impacts.

CONCLUSION

Staff recommends continuing the item to August 26, 2015, at which time staff will provide the Planning Commission with an update on the odor study and a date certain at which the report would be completed and presented to the Commission.

SMA 

FOR

HARRY FREITAS, DIRECTOR
Planning, Building, and Code Enforcement